

Introduced by Senator DeSaulnier

February 21, 2013

An act to amend Section 42357 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as introduced, DeSaulnier. Plastic products: labeling

Existing law prohibits the sale of a plastic product, including plastic bags, labeled as “compostable,” “home compostable,” or “marine degradable” unless it meets certain specifications or certifications, or a standard adopted by the Department of Resources Recycling and Recovery. Existing law also prohibits the sale of a plastic product that is labeled as “biodegradable,” “degradable,” “decomposable,” or as otherwise specified.

This bill would make a technical nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42357 of the Public Resources Code is
- 2 amended to read:
- 3 42357. (a) (1) Except as provided in paragraph (3), a person
- 4 shall not sell a plastic product in this state that is labeled with the
- 5 term “compostable,” “home compostable,” or “marine degradable”
- 6 unless, at the time of sale, the plastic product meets the applicable
- 7 ASTM standard specification, as specified in paragraph (1) of

1 subdivision (b) of Section 42356 or the Vincotte OK Compost
2 HOME certification, as provided in paragraph (4).

3 (2) Compliance with only a section *of*, or a portion of a section
4 of, an applicable ASTM standard specification does not constitute
5 compliance with paragraph (1).

6 (3) Notwithstanding paragraph (1), a person may sell a plastic
7 product in this state that is labeled with a qualified claim for a term
8 specified in paragraph (1), if the plastic product meets the relevant
9 standard adopted by the department pursuant to Section 42356.2.

10 (4) (A) A plastic product shall not be labeled with the term
11 “home compostable” unless the manufacturer of that plastic product
12 holds a Vincotte OK Compost HOME certificate of conformity
13 with regard to that product, except as provided in subparagraph
14 (B) or (C).

15 (B) Notwithstanding paragraph (1), if the ASTM adopts a
16 standard specification for the term “home compostable” on or
17 before January 1, 2016, and the department determines that the
18 ASTM standard specification is at least equal to, or more stringent
19 than, the OK Compost HOME certification, a plastic product
20 labeled with the term “home compostable” shall meet that ASTM
21 standard specification. The department may also take the actions
22 specified in Section 42356.1 with regard to an ASTM standard for
23 home compostability.

24 (C) If the department adopts a standard pursuant to Section
25 42356.2, a plastic product labeled with the term “home
26 compostable” shall meet that standard and not the standard
27 specified in subparagraph (A) or (B).

28 (b) Except as provided in subdivision (a), a person shall not sell
29 a plastic product in this state that is labeled with the term
30 “biodegradable,” “degradable,” or “decomposable,” or any form
31 of those terms, or in any way imply that the plastic product will
32 break down, fragment, biodegrade, or decompose in a landfill or
33 other environment.

34 (c) A manufacturer or supplier, upon the request of a member
35 of the public, shall submit to that member, within 90 days of the
36 request, information and documentation demonstrating compliance
37 with this chapter, in a format that is easy to understand and
38 scientifically accurate.

39 (d) A product that is in compliance with this chapter shall not,
40 solely as a result of that compliance, be deemed to be in compliance

- 1 with any other applicable marketing requirement or guideline
- 2 established under state law or by the Federal Trade Commission.

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